

23192. Adulteration of pears. U. S. v. 447 Bushel Baskets of Pears. Default decree of condemnation and destruction. (F. & D. no. 33413. Sample no. 4406-B.)

This case involved a shipment of pears that had arsenic and lead on them.

On August 15, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 447 bushel baskets of pears at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about August 7, 1934, by the Schoening Orchard Co., from Fruitvale, Colo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added lead and arsenic which might have rendered it deleterious to health.

On September 13, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

23193. Adulteration and misbranding of sweet pickles, relish, and piccalilli. U. S. v. 35 Cases of Sweet Mixed Pickles, et. al. Decrees of condemnation and destruction. (F. & D. nos. 33433, 33434, 33511, 33512, 33542, 33543. Sample nos. 7178-B, 7179-B, 7181-B, 7187-B, 7188-B, 7189-B, 7190-B, 7192-B, 7193-B, 14429-B, 14430-B, 14526-B, 14606-B, 14609-B.)

These cases involved interstate shipments of sweet pickles, etc., in which saccharin had been substituted for sugar. Sample jars taken from one lot of sweet mixed pickles were found to contain less than the weight declared on the label.

On September 12, 1934, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a quantity of sweet mixed pickles at Providence, R. I. Between the dates of September 12, 1934, and September 27, 1934, libels were filed against various lots of the same or similar products at Portland, Maine, New Haven and New Britain, Conn., and Nashua, N. H. The libels covered a total of 579 cases of sweet mixed pickles, sweet mustard pickles, sweet pickles, sweet relish, and sweet piccalilli, and 999 cases, each containing, among other products, a number of jars of sweet mixed pickles and sweet mustard pickles. The libels charged that the articles had been shipped in interstate commerce by the Cambridge Packing Co., from Cambridge, Mass.; that the first shipment had been made on or about May 8, 1934, and the remainder on various dates up to and including August 20, 1934; that they were adulterated in violation of the Food and Drugs Act, and that one lot was also misbranded. Certain lots were labeled in part: "Charlotte Brand [or "Mohawk Brand"] Sweet Mixed Pickles [or "Sweet Mustard Pickles", "Sweet Piccalilli", "Sweet Relish", "Sweet Pickles"] Packed by Cambridge Packing Co. Cambridge, Mass."

Two of the assorted varieties were labeled in part: "Harvard Brand Sweet Mixed Pickles [or "Sweet Mustard Pickles"] Packed by Harvard Pickle Works, Inc., Cambridge, Mass."

The articles, with the exception of certain varieties in the assorted cases, were alleged to be adulterated in that saccharin had been substituted for sugar, and in that they contained an added deleterious ingredient, saccharin, which might have rendered them injurious to health.

Misbranding of one lot of mixed pickles was alleged in that the statement "Contents 8 Fl. Ozs.", borne on the label, was false and misleading, since the jars contained less than 8 fluid ounces; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On October 4, 8, 19, and 31, 1934, the shipper having consented to the entry of decrees in the cases instituted in the District of Connecticut, and no claim having been entered in the remaining cases, judgments of condemnation were entered and the products covered by the libels were ordered destroyed, and the varieties in the assorted cases that were not covered by the libel were ordered returned to the shipper.

M. L. WILSON, *Acting Secretary of Agriculture.*